

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

IN RE:)	
)	
VICKI LYNN HILL,)	Case No. 3:23-bk-30111-SHB
)	Chapter 7
Debtor.)	
)	
)	
)	
VICKI LYNN HILL,)	
)	
Plaintiff,)	Adversary Pro. _____
)	
v.)	
)	
UNITED STATES DEPARTMENT)	
OF EDUCATION AND/OR THE)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

COMPLAINT

Comes now the Plaintiff, Vicki Lynn Hill, by counsel, and for her cause of action would show unto the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334.
2. This Court has venue over the subject matter of the Complaint pursuant to 28 U.S.C. § 1409.
3. The allegations of the Complaint present core proceedings pursuant to 28 U.S.C. §§ 157(b)(2), 157(c)(1) and/or (2) and under the provisions of 11. U.S.C. §§ 523(a)(8). See also Bankruptcy Rule 7004(b)(4).

4. The Defendant is an entity whose address is 400 Maryland Ave. SW, Washington, D.C. 20202. It may be served on the Civil Process Clerk for the District of Washington, D.C. and the United States Attorney for the District.

5. The Plaintiff is the Debtor, Vicki Lynn Hill, an individual whose address is 130 S. Highland Drive, Harriman, Tennessee 37748, and she is the Debtor in the underlying Chapter 7 Case, No. 23-30111.

II. STATEMENT OF FACTS

6. The Debtor filed her voluntary Chapter 7 Petition on or about January 23, 2023.

7. One of the unsecured debts owing by the Debtor and listed in Schedule F is a student loan owing to Defendant United States Department of Education and/or the United States.

8. The Defendant's agent, Miguel Cardona, is the Secretary of Education of the United States Department of Education and is responsible for the overall operation of the guaranteed student loan program and this has been served on the Department of Education and the U.S. Attorney's Office for local and Washington, D.C. Offices.

9. This Complaint is being filed pursuant to 11 U.S.C. §§ 523(a)(8) and (c) and Federal Bankruptcy Rule 4007(c) pursuant to the Adversary Proceeding Rules of 7001, et seq.

10. The Debtor is entitled to a discharge pursuant to such Bankruptcy provisions in particular because the payment of the student loan is an undue hardship and the Debtor presently lacks the current ability to repay the loan, the Debtor's inability to pay the loan is likely to persist in the future and the Debtor has acted in good faith in the past in attempting to repay the loan.

11. In support of this Adversary Complaint, the Debtor has also prepared an Attestation Affidavit, which is attached hereto as Exhibit A to the Complaint and is also tendered with respect to the Department of Justice current guidelines relating to this Adversary Complaint. The Debtor's

Chapter 7 Schedules I and J show a current budget with a -\$866.00 budget shortfall prior to any payment for student loans which case record is incorporated herein by reference, Exhibit B.

12. Debtor seeks to discharge entirely the student loan balances as stated above due to the current hardship and inability to pay the loans. Alternately, any amounts that the Court determines are subject to discharge pursuant to the statutory provisions cited herein as well as pursuant to the facts of this case.

WHEREFORE, premises considered, the Plaintiff prays that this Court enter an Order declaring the student loan debt to be dischargeable as a matter of law pursuant to 11 U.S.C. § 523(a)(8) and to enter such Order discharging this debt in full or alternately, any amount or portion of the debt that the Court determines would be a hardship with respect to this Debtor and for such other and further relief to which she may be entitled. Alternatively, enter any Orders by agreement with the Defendant.

DATED April 13, 2023.

**VICKI HILL, PLAINTIFF
RESPECTFULLY SUBMITTED BY:**

s/ Kevin S. Newton, BPR # 032713
s/ John P. Newton, BPR # 010817
s/ Richard M. Mayer, BPR # 005534
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